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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JEREMY P. CHANEY, JOSHUA ETHAN ELMAN,  
and ELIZABETH CARTER GRIGG

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Appeal 2009-008184  
Application 09/575,403  
Technology Center 2100

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Before HOWARD B. BLANKENSHIP, JEAN R. HOMERE, and  
ST. JOHN COURTENAY III, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

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<sup>1</sup> The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

## STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 79-82 and 84-102. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm-in-part and enter a new ground of rejection as permitted by 37 C.F.R. § 41.50(b).

### *Invention*

Appellants' invention relates to a metadata organization system. A metadata classification module dynamically reads metadata organization information from the metadata organization database, reads metadata from a metadata database, and organizes the metadata for display to a user in a graphical user interface. A user may add, delete, or modify the metadata in the display. As the user changes the metadata, the metadata database is updated and the user's changes are reflected in the graphical user interface.

Abstract.

### *Representative Claim*

79. A method for managing metadata of content files using an electronic device, the method comprising:

obtaining from a persistent metadata database, metadata for the content files;

displaying on a display of the electronic device, a first column having a plurality of rows for track names corresponding to a plurality of content files; and

displaying on a display of the electronic device, at least one of:

a second column having a plurality of rows for artist names corresponding to the plurality of rows for track names,

a third column having a plurality of rows for album names corresponding to the plurality of rows for track names, and

a fourth column having a plurality of rows for genre names corresponding to the plurality of rows for track names.

#### *Claim Status/Examiner's Rejections*

Claims 1, 9, 11, 17, and 43-52 have been withdrawn from consideration as being directed to a non-elected invention. Claims 2-8, 10, 12-16, 18-42, and 53-78 have been canceled. "Claim 83 was never entered." App. Br. 4. *See* Amendment filed with Request for Continued Examination, May 1, 2006 (new claims 79-82 and 84-102).

Claims 79-82 and 84-102 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over Duwaer (US 5,959,627).

#### *Claim Groupings*

In view of Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claims 79, 82, 88, and 91. *See* 37 C.F.R. § 41.37(c)(1)(vii).

#### ISSUES

(1) Have Appellants shown that the Examiner erred in finding that Duwaer describes columns within the meaning of claim 79?

(2) Have Appellants shown that the Examiner erred in finding that Duwaer describes an object-oriented database as recited in claim 82?

(3) Have Appellants shown that the Examiner erred in finding that Duwaer describes a “blank entry is saved as a named entry” as recited in claim 88?

(4) Have Appellants shown that the Examiner erred in finding that Duwaer describes “propagating the new metadata value” as recited in claim 91?

(5) Would a person of ordinary skill in the art at the time of invention have recognized a benefit in using an object-oriented database as the persistent database of Duwaer?

## FINDINGS OF FACT

With the exception of the findings made below in the New Ground of Rejection of claim 82, we rely on the findings of fact made by the Examiner in the Final Rejection and the Examiner’s Answer.

## PRINCIPLES OF LAW

### *Claim Interpretation*

During examination, claims are to be given their broadest reasonable interpretation consistent with the specification, and the language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art. *In re Am. Acad. of Sci. Tech Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) (citations omitted). The Office must apply the broadest reasonable meaning to the claim language, taking into account any definitions presented in the specification. *Id.* (citations omitted).

### *Anticipation*

“Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458 (Fed. Cir. 1984).

### *Obviousness*

“What matters is the objective reach of the claim. If the claim extends to what is obvious, it is invalid under § 103.” *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. 398, 419 (2007). “The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *Id.* at 416.

## ANALYSIS

### *Section 102 rejection of claim 79*

Appellants contend that Duwaer does not describe “columns” as recited in claim 79. Appellants admit that the Specification does not define the term “column” in a special way. Appellants cite a dictionary that defines a “column” as a vertical arrangement of figures or other information. Appellants submit that one of ordinary skill in the art would interpret the dictionary definition in a manner consistent with what is customarily referred to as a columnar display of data; namely, data that is aligned vertically. App. Br. 8-9; Reply Br. 7-8. The Examiner finds that Figure 5 of Duwaer shows “columns” within the meaning of claim 79. Ans. 7.

The dictionary definition of “column” provided by Appellants (App. Br. 8) only requires information to be vertically arranged. Figure 5 of Duwaer shows song names that are vertically arranged. Figure 5 of Duwaer also shows artist names that are vertically arranged. For example, a vertical line, drawn from the letter “e” in “The Jacksons,” passes through the names “Lionel Richie” and “The Beatles.” Because Duwaer shows song names that are vertically arranged, and artist names that are vertically arranged, Duwaer describes “columns” within the meaning of claim 79.

*Section 102 rejection of claim 82*

According to Appellants, an “object-oriented database” requires two criteria that translate into thirteen separate features. *See* App. Br. 10-11. The Examiner does not dispute Appellants’ contention but merely alleges that all the features are found in the database structure described by Duwaer. *See* Answer 8-9.

Because the rejection fails to demonstrate that Duwaer describes an object-oriented database as required by claim 82, we do not sustain the Section 102 rejection of that claim. However, we enter a new ground of rejection against claim 82, *infra*.

*Section 102 rejection of claim 88*

Appellants contend that Duwaer does not describe “said blank entry is saved as a named entry” as recited in claim 88. In particular, Appellants contend that “a blank entry is saved as a named entry,” such as <blank> as shown in Table 4 of Appellants’ Specification, is not described by Duwaer. App. Br. 11-12; Reply Br. 12. The Examiner finds that <blank> shown in

Table 4 does not mean that the word “blank” is actually stored, but rather indicates that the data for the corresponding field is blank. The Examiner concludes that the “blank entry is saved as a named entry,” when read in light of Appellants’ Specification, encompasses leaving fields empty as described by Duwaer. Ans. 9-10.

We find the Examiner’s interpretation to be reasonable in light of all the evidence before us. Even though Appellants cite Table 4 of the Specification, the Specification fails to set forth the meaning sought by the Appellants. Specifically, the Specification does not state that the word “blank” is saved. Appellants have not provided evidence or persuasive argument to rebut the Examiner’s finding that “<blank>” shown in Table 4 only indicates that the data for the corresponding field is left blank. Appellants have not provided evidence or persuasive argument to rebut the Examiner’s finding that one of ordinary skill in the art would interpret the “blank entry is saved as a named entry” as shown in Table 4 of Appellants’ Specification as encompassing leaving fields empty as described by Duwaer.

*Section 102 rejection of claim 91*

Appellants contend that Duwaer does not describe “propagating the new metadata value to the corresponding metafield of each corresponding metadata record for the content files of the selected genre.” App. Br. 12-13; Reply Br 12-13. The Examiner finds that Figures 3 and 5 of Duwaer describe a user interface for adding or modifying metadata values to metafields of selected songs. Ans. 10.

Appellants have not provided a definition for “propagating the new metadata value to the corresponding metafield of each corresponding



metadata record for the content files of the selected genre” that excludes changing a metadata value of a metafield as described by Duwaer.

*Summary/Conclusion*

For the foregoing reasons we sustain the rejection of claims 79-81 and 84-102 under 35 U.S.C. § 102(e) as being anticipated by Duwaer but do not sustain the rejection of claim 82 under § 102.

*New Ground of Rejection -- 37 C.F.R. § 41.50(b)*

We enter a new ground of rejection against claim 82 under 35 U.S.C. § 103(a) as being unpatentable over Duwaer and Fabbio (US 5,335,346).

Duwaer teaches all limitations of base claim 79 as discussed above in the analysis of claim 79. However, Duwaer has not been shown, on this record, to teach that the persistent database is an object-oriented database.

Fabbio teaches an object oriented database. Col. 1, ll. 40-43; col. 6, l. 41 *et seq.*

A person of ordinary skill in the art at the time of invention would have used an object-oriented database as taught by Fabbio as the persistent database in the system of Duwaer for the benefits of allowing a programmer to deal with objects that persist (Fabbio col. 2, ll. 13-16), providing the ability to define generic operations which apply to the objects for the purposes of manipulating and retrieving them (col. 2, ll. 16-20), insulating the users of the database from the data representations and data structures that comprise objects (col. 2, ll. 24-26), and providing the ability to handle semantically meaningful objects rather than normalized tuples or single records (col. 2, ll. 58-65).

### CONCLUSIONS OF LAW

(1) Appellants have not shown that the Examiner erred in finding that Duwaer describes columns within the meaning of claim 79.

(2) Appellants have shown that the Examiner erred in finding that Duwaer describes an object-oriented database as recited in claim 82.

(3) Appellants have not shown that the Examiner erred in finding that Duwaer describes a “blank entry is saved as a named entry” as recited in claim 88.

(4) Appellants have not shown that the Examiner erred in finding that Duwaer describes “propagating the new metadata value” as recited in claim 91.

(5) A person of ordinary skill in the art at the time of invention would have recognized a benefit in using an object-oriented database as the persistent database of Duwaer.

### DECISION

The rejection of claims 79-81 and 84-102 under 35 U.S.C. § 102(e) as being unpatentable over Duwaer is affirmed.

The rejection of claim 82 under 35 U.S.C. § 102(e) as being unpatentable over Duwaer is reversed.

We have entered a new ground of rejection against claim 82 under 35 U.S.C. § 103(a).

With respect to the affirmed rejection(s), 37 C.F.R. § 41.52(a)(1) provides that “Appellant may file a single request for rehearing within two months from the date of the original decision of the Board.”

In addition to affirming the Examiner's rejection(s) of one or more claims, this decision contains a new ground of rejection pursuant to 37 C.F.R. § 41.50(b). 37 C.F.R. § 41.50(b) provides that "[a] new ground of rejection pursuant to this paragraph shall not be considered final for judicial review."

37 C.F.R. § 41.50(b) also provides that Appellants, WITHIN TWO MONTHS FROM THE DATE OF THE DECISION, must exercise one of the following two options with respect to the new ground of rejection to avoid termination of the appeal as to the rejected claims:

(1) *Reopen prosecution.* Submit an appropriate amendment of the claims so rejected or new evidence relating to the claims so rejected, or both, and have the matter reconsidered by the examiner, in which event the proceeding will be remanded to the examiner. . . .

(2) *Request rehearing.* Request that the proceeding be reheard under § 41.52 by the Board upon the same record. . . .

Should Appellants elect to prosecute further before the Examiner pursuant to 37 C.F.R. § 41.50(b)(1), in order to preserve the right to seek review under 35 U.S.C. §§ 141 or 145 with respect to the affirmed rejection, the effective date of the affirmance is deferred until conclusion of the prosecution before the Examiner unless, as a mere incident to the limited prosecution, the affirmed rejection is overcome.

If Appellants elect prosecution before the Examiner and this does not result in allowance of the application, abandonment or a second appeal, this case should be returned to the Board of Patent Appeals and Interferences for

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final action on the affirmed rejection, including any timely request for rehearing thereof.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED-IN-PART -- 37 C.F.R. § 41.50(b)

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